THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6003 of 2007

Dated:26.03.2007

Between:

Vaddepally Janardhan.

... Petitioner

AND

Mandal Revenue Officer and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6003 of 2007

ORDER:

The petitioner claims to be one of the legal heirs of late Balaram. He claims that his mother, Satamma, is the first wife of Balaram, and therefore, he is entitled to succeed to the property. He also alleges that his father gifted Ac.1.31 guntas of land in Survey No.1542 situated at Prasanthnagar Gram Panchayat, Siddipet Mandal in Medak District, out of which, the petitioner gifted an extent of 300 square yards of land to his daughter. He also obtained necessary mutation from the Mandal Revenue Officer. In addition, he also filed a suit, being O.S.No.52 of 2005, for partition of other properties. When the orders of the Mandal Revenue Officer granting mutation was reversed by the Revenue Divisional Officer, he preferred an appeal before the District Collector, which was allowed. Aggrieved by the same, the rival claimants filed W.P.No.4268 of 2006. By an order, dated 06.03.2006, made in W.P.M.P.No.5345 of 2006, this Court directed both the parties to maintain *status quo*. In the meanwhile, alleging that respondents 2 and 3, who are statedly the sons of Gouramma, the second wife of Balaram, are making construction in the land in Survey No.1542, the petitioner gave representations to the Mandal Revenue Officer and the Village Secretary, in vain. It appears, he also requested for taking up survey of the land in Survey No.1542. By impugned memo, dated 06.02.2007, the petitioner was informed that his request for conducting survey is rejected. Aggrieved by this, the present Writ Petition is filed.

A perusal of the impugned order would show that the Mandal Revenue Officer rejected the application for survey as there were objections by respondents 2 and 3 herein and the Writ Petition is pending before this Court. The same cannot be treated as illegal or the one suffering from any vice. If so aggrieved, the petitioner can prefer an appeal before the competent authority, namely, the Commissioner of Survey and Settlements under Section 11 of the Andhra Pradesh Survey and Boundaries Act, 1923. In this Writ Petition the question raised cannot be adjudicated.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

26.03.2007
vs